

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL RAPAPORT and MICHAEL :
DAVID PRODUCTIONS, INC., :

Plaintiffs, :

-against- :

Case No. 1:18-CV-08783

BARSTOOL SPORTS, INC., ADAM SMITH, :
KEVIN CLANCY, ERIC NATHAN and :
DAVID PORTNOY, :

DECLARATION OF JACOB VEGA

Defendants. :

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BARSTOOL SPORTS, INC., :

Counterclaimant, :

-against- :

MICHAEL RAPAPORT and MICHAEL :
DAVID PRODUCTIONS, INC., :

Cross-Defendants. :

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DECLARATION OF JACOB VEGA

I, Jacob Vega declare as follows:

1. I am an associate in the law firm of King & Ballow and counsel for Plaintiffs, Michael Rapaport and Michael David Productions, Inc. ("Plaintiffs"), in the above-captioned matter. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment. The information contained in this Declaration is based upon my personal knowledge. If called as a witness in this action, I could and would testify to the contents of this declaration.

2. I personally recorded each of the copies of videos appearing below as attachments.
3. Attached hereto as **Attachment 1** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022397-RAP022404.
4. Attached hereto as **Attachment 2** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022468-RAP022476.
5. Attached hereto as **Attachment 3** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022491-RAP022499.
6. Attached hereto as **Attachment 4** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022515-RAP022529.
7. Attached hereto as **Attachment 5** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022530-RAP022540.
8. Attached hereto as **Attachment 6** is a true and accurate copy of the Tweet I downloaded on August 30, 2019 bearing Bates number RAP022636.
9. Attached hereto as **Attachment 7** is a true and accurate copy of the Tweet I downloaded dated February 18, 2018 bearing Bates number RAP022637.
10. Attached hereto as **Attachment 8** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022762-RAP022770.
11. Attached hereto as **Attachment 9** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP22771-RAP022777.
12. Attached hereto as **Attachment 10** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022788-RAP022809.
13. Attached hereto as **Attachment 11** is a true and accurate copy of the Tweet I downloaded on August 30, 2019 bearing Bates number RAP022834.

14. Attached hereto as **Attachment 12** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022886-RAP022902.
15. Attached hereto as **Attachment 13** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022909-RAP022920.
16. Attached hereto as **Attachment 14** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP022973-RAP022981.
17. Attached hereto as **Attachment 15** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP023053-RAP023065.
18. Attached hereto as **Attachment 16** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP023072-RAP023079.
19. Attached hereto as **Attachment 17** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP023167-RAP023173.
20. Attached hereto as **Attachment 18** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP023187-RAP023204.
21. Attached hereto as **Attachment 19** is a true and accurate copy of the article I downloaded on August 30, 2019 bearing Bates numbers RAP023489-RAP023494.
22. Attached hereto as **Attachment 20** is a true and accurate copy of the article I downloaded on September 6, 2019 bearing Bates numbers RAP023557-RAP023562.
23. Attached hereto as **Attachment 21** is a true and accurate copy of the article I downloaded on September 6, 2019 bearing Bates numbers RAP023627-RAP023648.
24. Attached hereto as **Attachment 22** is a true and accurate copy of the article I downloaded on September 6, 2019 bearing Bates numbers RAP023649-RAP023654.

25. Attached hereto as **Attachment 23** is a true and accurate copy of the article I downloaded on September 6, 2019 bearing Bates numbers RAP023655-RAP023664.
26. Attached hereto as **Attachment 24** is a true and accurate copy of the article I downloaded on September 10, 2019 bearing Bates numbers RAP023680-RAP023684.
27. Attached hereto as **Attachment 25** is a true and accurate copy of the article I downloaded on May 14, 2018 bearing Bates numbers RAP023682-RAP023687.
28. Attached hereto as **Attachment 26** is a true and accurate copy of the article I downloaded on September 12, 2019 bearing Bates numbers RAP23699-RAP023705.
29. Attached hereto as **Attachment 27** is a true and accurate copy of the Tweet I downloaded dated February 14, 2018 bearing Bates number RAP023706.
30. Attached hereto as **Attachment 28** is a true and accurate copy of the Tweet I downloaded dated February 18, 2018 bearing Bates number RAP023707.
31. Attached hereto as **Attachment 29** is a true and accurate copy of the Tweet I downloaded dated November 19, 2017 bearing Bates number RAP023708.
32. Attached hereto as **Attachment 30** is a true and accurate copy of the Tweet I downloaded dated November 22, 2017 bearing Bates number RAP023709.
33. Attached hereto as **Attachment 31** is a true and accurate copy of the Tweet I downloaded dated February 14, 2018 bearing Bates number RAP023710.
34. Attached hereto as **Attachment 32** is a true and accurate copy of the article I downloaded on September 12 2019 bearing Bates number RAP023711-RAP023713.
35. Attached hereto as **Attachment 33** is a true and accurate copy of the Tweet I downloaded dated February 25, 2018 bearing Bates numbers RAP023717.

36. Attached hereto as **Attachment 34** is a true and accurate copy of the article I downloaded on September 12 2019 bearing Bates number RAP023718-RAP023729.
37. Attached hereto as **Attachment 35** is a true and accurate copy of the article I downloaded on May 14, 2018 bearing Bates number RAP023732-RAP023742.
38. Attached hereto as **Attachment 36** is a true and accurate copy of the Tweet I downloaded dated February 18, 2018 bearing Bates number RAP023743.
39. Attached hereto as **Attachment 37** is a true and accurate copy of the article I downloaded on September 13 2019 bearing Bates number RAP023747-RAP023756.
40. Attached hereto as **Attachment 38** is a true and accurate copy of the article I downloaded on September 12 2019 bearing Bates number RAP023987-RAP023991.
41. Attached hereto as **Attachment 39** is a true and accurate copy of the article I downloaded on February 25, 2020 bearing Bates number RAP023992-RAP023995.
42. Attached hereto as **Attachment 40** is a true and accurate copy of the article I downloaded on February 29, 2020 bearing Bates number RAP024001-RAP024006.
43. Attached hereto as **Attachment 41** is a true and accurate copy of the Tweet I downloaded on February 29, 2020 bearing Bates number RAP24007-RAP024010.
44. Attached hereto as **Attachment 42** is a true and accurate copy of the Tweet I downloaded on February 29, 2020 bearing Bates number RAP24011-RAP024018.
45. Attached hereto **Attachment 43** is a true and accurate copy of the Tweet I downloaded on February 29, 2020 bearing Bates number RAP24019-RAP024022.
46. Submitted separately to the Court as **Attachment 44** is a true and accurate recording of the Dave Portnoy Show, titled "Best of Week 60 – You’re Fired" Bates numbered as RAP023503.

47. Submitted separately to the Court as **Attachment 45** is a true and accurate recording of the video titled "Professor Nate Breaks Down the Michael Rapaport Saga" Bates numbered as RAP023504.

48. Submitted separately to the Court as **Attachment 46** is a true and accurate recording of the video titled "Stool Scenes Episode 52 – IAMCRAPAPORT STEREO FRAUDCAST" Bates numbered as RAP023506.

49. Submitted separately to the Court as **Attachment 47** is a true and accurate recording of the video titled "Diss Week: Michael Rapaport Edition... "Fire Rap" by Rone Featuring All of Barstool Sports" Bates numbered as RAP023509.

50. Submitted separately to the Court as **Attachment 48** is a true and accurate recording of the video titled "It's Time To Put Up Or Shut Up Rapaport" Bates numbered as RAP023510.

51. Submitted separately to the Court as **Attachment 49** is a true and accurate recording of the video titled "Fortnite Squad Up Session As Well As A Live AMA On Barstool Smitty's Current Lawsuit With D-List Actor" Bates numbered as RAP023512.

52. Submitted separately to the Court as **Attachment 50** is a true and accurate recording of the video titled "Fortnite Squad Up Session As Well As A Live AMA On Barstool Smitty's Current Lawsuit With D-List Actor (PART III – THIS DAMN INTERNET)" Bates numbered as RAP023513.

53. Submitted separately to the Court as **Attachment 51** is a true and accurate recording of the video titled "Stool Scenes 32 (Part 1)" Bates numbered as RAP023515.

54. Submitted separately to the Court as **Attachment 52** is a true and accurate recording of the video titled "Barstool Shorts: Fired Up" Bates numbered as RAP023516.

55. Submitted separately to the Court as **Attachment 53** is a true and accurate recording of the video titled "Stool Scenes 30 (Part 1)" Bates numbered as RAP023517.

56. Submitted separately to the Court as **Attachment 54** is a true and accurate recording of the video titled "Emergency Press Conference – I Hate Moron Stoolies" Bates numbered as RAP023614.

57. Submitted separately to the Court as **Attachment 55** is a true and accurate recording of the video titled "Emergency Press Conference – @MichaelRapaport is Fired" Bates numbered as RAP023673.

58. Submitted separately to the Court as **Attachment 56** is a true and accurate recording of the video titled "BREAKING: That lying fraud hack Michael Rapaport is FIRED from Barstool Sports." Bates numbered as RAP023715.

59. Submitted separately to the Court as **Attachment 57** is a true and accurate recording of the video titled "Everything I Don't Like is Racist and Sexist: The Talib Kweli Twitter Fight." Bates numbered as RAP023996.

60. Submitted separately to the Court as **Attachment 58** is a true and accurate recording of the video titled "Barstool Sports CEO Erika Nardini: How I beat out 74 men to land my dream job, and lost a ton of friends in the process" Bates numbered as RAP023997.

61. Submitted separately to the Court as **Attachment 59** is a true and accurate recording of the video featuring David Portnoy in appearing an article titled "Sociopathic Barstool Founder Dave Portnoy Giddy About 'Suffocating' ESPN Host Sam Ponder In 'Online War'" Bates numbered as RAP023998.

62. Submitted separately to the Court as **Attachment 60** is a true and accurate recording of the video titled “Barstool Sports Dave Portnoy Thrown Out of Super Bowl During Halftime” Bates numbered as RAP023999.

63. Submitted separately to the Court as **Attachment 61** is a true and accurate recording of the video titled “David Portnoy takes down Tom Brady’s child’s pictures after HOWARD STERN told him it was WRONG” Bates numbered as RAP024000.

64. Submitted separately to the Court as **Attachment 62** is a true and accurate recording of the video titled “Jeffrey Hancock” which was marked as Exhibit 555 during the deposition of Defendant’s designated expert Jeffrey Hancock.

65. Attached hereto as **Attachment 63** is a true and accurate copy of the List of Defamatory Statements.

66. Attached hereto as **Attachment 64** is a true and accurate copy of the October 15, 2019 Email.

67. Submitted separately to the Court as **Attachment 65** is a true and accurate recording of the video titled “Dave Portnoy on Barstool Breakfast: Biting the Hand that Feeds You” Bates numbered as RAP023502.

68. Submitted separately to the Court as **Attachment 66** is a true and accurate recording of the video titled “Barstool Rundown – February 19, 2018” Bates numbered as RAP023508.

69. Submitted separately to the Court as **Attachment 67** is a true and accurate recording of the video titled “Barstool Sports Full Segment” Bates numbered as RAP023514.

70. Submitted separately to the Court as **Attachment 68** is a true and accurate recording of the video titled “Stool Scenes Episode 36 (Part 2)” Bates numbered as RAP023507.

71. Attached hereto as **Attachment 69** is a true and accurate copy of the Tweet I downloaded on February 29, 2020 bearing Bates number RAP023665- RAP023667.

72. Attached hereto as **Attachment 70** is a true and accurate copy of an article I downloaded bearing Bates number RAP023066.

73. Submitted separately to the Court as **Attachment 71** is a true and accurate recording of the video titled "Stool Scenes Episode 36 (Part 2)" Bates numbered as RAP023518.

74. Attached hereto as **Attachment 72** is a true and accurate copy of the article titled, "Michael Rapaport Details 'Coordinated' Assault by Barstool Sports After His Firing, available at <https://www.hollywoodreporter.com/thr-esq/michael-rapaport-details-coordinated-assault-by-barstool-sports-his-firing-1282293>.

75. Submitted separately to the Court as **Attachment 73** is a true and accurate recording of the video titled "Emergency Press Conference -@MichaelRapaport is Fired" Bates numbered as RAP023673"

I declare under the penalties of perjury under 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: March 6, 2020

By: Jacob Vega
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